Monday, December 11, 2006 - Albany, NY
Hon. Thomas J. McAvoy, Presiding
Clerk: M. Price
Steno: B. Buckley

UNITED STATES OF AMERICA

VS. CRIMINAL NO. 1: 04-CR-544
1: 05-CR-557

KUN FUK CHENG a/k/a Steven Cheng

APPEARANCES: AUSA Sara Lord for Govt; Brian Premo, Esq. for Deft Cheng; Ming-haui Hall, Mandarin interpreter sworn; USPO Edward Cox present

11:30 AM In court; sentencing held. Defendant sentenced on counts 1 thru 3 of Indictment 04-CR-544 and committed to BOP for a term of imprisonment of 57 months on cts 1 thru 3 and 57 months on count 1 of Information 05-CR-557. The sentences on each of these counts shall run concurrently for a total term of imprisonment of 57 months. Court recommends to BOP that defendant be designated at a facility as close to the Albany, NY area as possible. Record is made re: amended forfeiture of $4.3 million, however, such shall not include 75-77 Elmendorf Street, Kingston, NY property. Restitution in the total amount of $ 462,345.22 is ordered and payable as directed; $166,679.30 of restitution shall be paid joint & severally w/ co-deft Hui Guo; interest requirement waived. Supervised Release of 3 years on each count 1 thru 3 of Indictment 04-CR-544 and 3 years on count 1 of Information 05-CR-557, all to run concurrently. Total Special Assessment $400.00 due immediately. Mandatory drug testing suspended. Special Conditions: 1) financial disclosure 2) no new credit charges and/or open new lines of credit and 3) pay monies due & financial disclosure to IRS. No fine and/or add'l costs imposed. Parties advised appeal rights. Defendant shall surrender at BOP facility by 2:00 PM on 1/23/07 as directed. AUSA moves to DISMISS 04-CR-544 INDICTMENT against co-deft JIN RONG CHENG (02) - GRANTED.

12:30 PM Court stands adjourned.